JUDGE WESTBROOK SPEAKS.

THE FULL TEXT OF THE DECISION IN COMMISSIONER NICHOLS'S CASE.

of the Conduct of the Mayor In the Re-If the Conduct of the Mayor in the Re-maral of Mr. Nichols he Tested by the Well-Established Course of Proceedure to the Observed in Cases of that Character, it is very Clear that it Cannot be Upheld."

Straigh Count - Albany Special Term, June. sta -In the matter of the application of Sidney conducts for a writ of certionari to review the York and the Governor of the State of New York removing him from the office of Police Commis-

ton N. Harrison for Mayor Cooper; Mr. A. Rehoenmaker, Jr., Attorney-General, for the Governor. Westbrook, J.
On the 5th day of April, 1879, Mr. Edward

Geper, the Mayor of the city of New York, made an order purporting to remove Mr. Sidsey P. Nichols, one of the Police Commissioners of said city, from office, which act was approved by the Governor of the State, the Hon. Lucius Relanson, on the 17th day of the same Mr. Nichols asks that a writ of certherari may issue from this court to the said Mayer and Governor to review their action in

The power of removal of the heads of departments in the city of New York is given by its charter (chapter 335 of Laws 1873, section 25), and is in these words: "The heads of all departments, including those retained as above, and all other persons whose appointment is in his section provided for, may be removed by the Mayor for cause, and after opportunity to beheard, subject, however, before such removal shall take effect, to the approval of the Gover-per expressed in writing."

On the 14th day of March, 1879, according to

the papers upon which this application is founded-and neither that nor any other fact stated therein is denied—the Mayor caused a written notice to be served upon Mr. Nichols, which alleged that under the management of the Board of Police, of which said Nichols was a member, the police force had become lax in discipline and demoralized, and the cleaning of streets had been neglected; that Mr. Nichols had been negligent in the discharge of his du-

had been negligent in the discharge of his duties, had allowed personal dissensions to interfere, and that his conduct had been unbecoming his office. To these charges Mr. Nichols
was to answer at noon of Wednesday, March
19, 1879, at the Mayor's office.

On the return day of the notice Mr. Nichola
appeared before the Mayor with counsel, and
desired to be heard through them, which the
Mayor reused. Mr. Nichols, in writing, probased against the assumption of the Mayor contained in the notice served, that he was guilty
of acts pusitlying his removal before a hearing
had been had, and claimed that the charges
were not specific, and that no sufficient opnorther, saving all exceptions to the Mayor's action, denied generally and specifically all

tion, denied generally and specifically all charges contained in the notice.

After this paper had been read considerable conversation occurred between the Mayor and the Commissioner, in which the Mayor assumed to know the conditions of certain streets from observation and/or sea. conversation occurred teachers line Mayor and the Commissioner, in which the Mayor assumed to know the conditions of certain streets from observation, and in regard to which he wished to interrogate the Commissioner. To all these interrogate the Commissioner. To all these interrogate the Commissioner. To all these interrogate the conditions answered: "If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same. I desire to be heard." The Mayor, however, insisted upon a hearing then and there, and proceeded to repeat various questions concerning the streets to all of which Mr. Nichois gave the answer above stated. After this had continued for some time Mr. Nichois read a paper as follows: "I am and have at all times been ready and willing to give the Mayor full information upon every subject connected with the Police Department or its operations, but it is not proper for me, in a proceeding in which I am denied the right of counsel and have not been furnished with charges or specifications, to make answer which would seem to recognize in any way, the regularity of the proceedings against me."

After the reading of this paper a conversation.

way the regularity of the proceedings against me."

After the reading of this paper a conversation of the same tenor was renewed, which finally resulted in the Mayor's signifying his willingness to receive any further statement from Mr. Nichols in the course of twenty-four hours, and upon this announcement the Mayor said: "The matter is closed as to Mr. Nichols." On the 3d day of April, however, the Mayor enciosed a printed copy of the stenographer's notes of the interview of March 19, 1879 (from a supposed copy of which the foregoing statement is made) accompanied with a note declaring he would give Mr. Nichols a further opportunity to be heard on April 5, 1879, and that he lite Mayor would then receive "any statement, exchangation, or argument in writing." The Mayor further wrote: "In the absence of further answer or explanation by you, and mon the statements of cause heretofore made by me to you, if the record shall remain unchanged, I shall transmit the same, together with a estificate of your removal from the office of Police Commissioner, to the Governor for lis approval."

To this communication Mr. Nichols answered

To this communication Mr. Nichols answered To this communication Mr. Nitiois answered at some length, criticising the Mayor's action and asking if he appeared whether he could have specifications of the charges against him? Whether witnesses against him would be produced? Whether he would be permitted to reduced? Whether he would be permitted to reduced? Whether he would be allowed counseling and the hearing?

the hearing? the hearing? the Mayor made no reply, and on the ril, as already stated, issued and sent overnor a certificate that he had re-aid Nichols for the following causes: actions for the following causes; inder the Board of Police, of which the Nichols is a member, the covernment and he tolice force have become lax and income force have become lax and income force have become lax and income force has deteriorated in efficiency, and a demoralized, and that no satisfactory leeved, or satisfactory excuse therefor, has a the said Sodney P. Nichols "concerning for said Board from responsibility and

That the Board of Police, of which the said Sid-hibs is a member as aforesaid, has not cansed to diffuse to member as aforesaid, has not cansed to diffuse to the thoroughly cleaned, and has well from the city daily, and as often as neces-asine, dirt, rubbish, and gardage, and that no cry explanation thereof, or satisfactory excusses has been made by the said Sidney F. Nichols has deep made by the said Sidney F. Nichols has direct responsibility and blancy. That the said Sidney F. Nichols, as such Com-ter Police, has been alighbent in discharge of chattee which he was bound to perform. of April, 1879, the Governor noti-ols that he would be heard on the

not appear, history of the proceedings up to the

history of the proceedings up to the present application, which was on to the Mayor, Governor, and the perted to fill Mr. Nichols's place in the rd. Mr. Charles F. MacLean, has it to show that the Mayor, in the inheproceedings for Mr. Nichols's returned that the charges were well at on a notice of five days, without counsel and without the presence of Mr. Nichols was required to establish nee of charges, of the particulars was uninformed, to a magistrate was uninformed, to a magistrate was made either upon the assumed was made either upon the assumed nowledge of the Mayor or upon evinon in the asseme of the accused, of ter of which he was uninformed, and help by reason of its careful conceal-simply impossible.

The which this motion presents is:

writed certiforari, which, if allowed,

which this motion presents is retriof certiforar, which if allowed, warfs to decade what power, if any, is in the premises, and whether the slegal or otherwise, to issue? Its wante decides nothing, except that has invoiced are so grave that they thenent by the tribunal of ultimate ded differences of opinion do exist dessional minds as to the jurisdictures in cases of this character, and ale and manager in which the power vested in the Mayor of the city of and the Governor of the State, by no the charter hereinbefore given, exercised; and as the present applicants all fully, it would seem to be exercised; and as the present appli-cents all fully, it would seem to be the course of procedure in future was so well defined that proceedings in the interest of the good govern-sered netropolis, be sometimes and not fall by reason of non-com-the terms of the statute. As, how-ds points were discussed upon the is proper that my own views on some add to presented.

Seem of the charter of the city of New 25 of chapter 335 of Laws of 1873 it will be remembered, authorizes

25 of chapter 335 of Laws of 1873) it will be remembered, authorizes the head of a department thereof only. The meaning of those words, in the cannection which they occupate or equire extended comment, a intended that the power of recast in the merodisersetion of the unit was confided it would have exist in the merodisersetion of the unit was confided it would have called by the conferring thorsel issue the addition of any words of frait the words, the signification are discussing, were added as a confidence of the power ledged with the start the "cause" of removal and in some act of omission or compared to the conferring the sufficient to has fifty a forfeiture of fact in the pointen bias or perdicularly expensive chief nor in toward another individual for he is desired.

of the charter of New York and of

what should have been the course of procedure in the case before us?

The peculiar phraseology of the act must not be forsotien. The removal must be "for cause"—i.e., for some good reason, which actually exists, and not for a laise reason, which actually exists, and not for a laise reason, which actually exists, and not for a laise reason, which actually exists, and not for a laise reason, which actually exists, and not for a laise reason, which actually exists, and not for a laise reason, which actually conferred upon the individual or body who or which is authorized to act in a given direction upon the existence of certain facts, which furnishes the only basis for proposed action; and when such action taken will affect the rights of another, he, who is to be so affected, must be heard upon an investigation which is to ascertain the truth of alleged facts, on which depends the purisprudence of this State (Heckock agt, Scribner, 3 Johnson's cases, pages 311-315). Radeliff, J., said: I consider it a maxim of natural justice and of universal law, an axiom, not now to be proved, that no man ought to be affected in his rights by the judgment or decree of any court without an opportunity of being previously heard in his defence. The principle thus clearly stated must also be applicable to any tribunal which has power to judicially decide a question affecting the rights of another, whether it is a court in name or not, because the reason on which it is founded applies to both; and this "opportunity to be heard," required not only by an axiom of the lard," required not only by an axiom of the lard," required not only by an axiom of the lard," required not only by an axiom of the lard, and this "opportunity to be heard," required not only by an axiom of the lard, and the aid and advice of coursel in the conduct of the examination. All this seems to be so elementary in the minds of persons living under the common law that citation of authority to sustain it is, perhaps, unnecessary labor. If, however, the soundness ther

the officer is entitled to a mandamus to restore him."

The author cites many adjudged cases, both in England and in this country, in support of his positions, which are not referred to in this opinion. They will be found to fully justify his conclusions. There is a single case, however, (Murdock agt. The Trustees of Phillips's Acaddemy), which was twices before the Supreme Court of Massachusetts (7 Prekering, 303; 12 Pickering, 244), worthy of special attention.

Dr. Murdock had been removed from the position of professor in the seminary by the trustees. The charter gave the right to remove for "gross neglect of duty, scandalous immornity, mental incapacity, or any other just and sufficient cause." In the opinion reported in seventh Pickering, Parker, C. J., in discussing the sufficiency of charges toage 330, says: Seconally, it is alleged that the articles of charge are not sufficiently definite and particular, and this would be a material objection if sustained by the record; for we hold that by analoxy to triats on criminal necessation in courts of justice, and the principles of the Constitution, no man can be deprived of his office, which is a will property, without having the offence with which he is charged fully and plainly, substantially and formally described to him. This enters so essentially into the justice of the case, and into the character of a fair trial, that it ought never to be dispensed with. Without it the party does not know what to defend against, nor cau another body to which there may be an appeal ascertain the applicability or the effect of the evidence." In twelfth Pickering the Court, per Shaw, C. J., describes the course of procedure to be observed by a body empowered to remove a per-

THE SUN, THURSDAY, AUGUST 14

The same surphish the momentum are the story of the control of the

office, takes a man's property, are the courts impotent to afford relief? If the Governor unlawfully prevents a person from discharging the daties of an office of which he is the rightful incumbent, are the doors of the courts barred to him when, as a suitor for justice, the party interfered with seeks relief? And when the Governor is clothed with judicial functions to decide a question, which any other person could as well have been authorized to determine as he, is his action incapable of review, while that of any other officer or individual is reviewable? These questions can have but one answer unless the Chief Executive is above and beyond the law, which no one will confend. The jurisdiction of courts eannot be controlled or limited by the official position of any one. When they issue a mandate commanding an act they do so not because the person commanded is their legal inferior, but because the law is his superior and its commandments must be obeyed, and when they restrain action it is because the law restrains. There can be no clashing between the executive and judicial departments of governments when to the former is committed all discretionary governmental, political, and executive action, and to the latter the interpretation of law and the administration of justice under it. The cheeks and balances of government are better preserved by conceding to each department thereof its appropriate sphere of action than by limiting the general jurisdiction of the one by the official grade of the individual filling another. These general principles are well sustained by adjudged cases.

In Commonwealth vs. Fowler (10 Massachusetts, 290) the appointment of Fowler by the Governor to the office of Probate Judge of Hampden County was questioned, that the action of the Executive was alone questioned, the Court (page 301) said: The other objection is that an information of the nature before us in this case does not lie against an officer appointment, so it must have exclusively the right to determine when a vacancy in o

appointed another; the Court held his action void). Page agt. Hardin, 8 B. Monroe L, and Equity Rep., 648.

The Ismous case of Marbury agt. Madison (1 Cranch, 137) fully sustains the positions taken in this opinion. Chief Justice Marshall concedes that "by the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience." Certain officers, too, appointed by the President, the learned Judge concedes, when they act by his orders. "In cases in which the Executive possesses a constitutional or logal discretion," are beyond the control of courts. "But," he adds." when a specific duty is assigned by law and individual rights depend on the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy." And again the learned Judge says:

"What is there in the exalted station of the officer which shall but a citizen from asserting in a court of justice his learn rights, or shall forbid a Court to listen to the claim; or to issue a mandamus directing the performance of a duty, not depending on executive discretion, but on particular acts of Congress and the general principles of the law? It is not by the office of the person to whom the writ is directed, but the nature of the thing to be done, that the propertery or impropriety of issuing a mandamus is to be determined.

In Rate of Oblo ex rel. Whiteman and others agt, Samon P. Chase, Governor, &c. (5 Ohio State Reports, 528), one question involved was

ointly might be held irregular. Order and the Writ of Certiorart.

At noon yesterday John D. Townsend's derk served upon Mayor Cooper, in the Mayor's office, Justice Westbrook's order directing the Cierk of Albany County to issue the writ of certiorari asked by Sidney P. Nichels in his application for a review by the Supreme Court of the proceedings before the Mayor at the hearing on the charges upon which he was removed from the office of Police Commissioner. The writ itself was also served upon the Mayor, as fol

At a special term of the Supreme Court, held at the Court House, in the city of Albany, on the 2d day of June, 1879. Present, the Hon. T. R. Westbrook, Justice. In the matter of the application of Sidney P.

Nichols for a writ of certiorari to review his removal as Police Commissioner of the city of New York by Edward Cooper, the Mayor of said city and Lucius Robinson. Governor of the State of New York:

On reading and filing the affidavit of Sidney P. Nichols, and proof of due service of the same with notice of this application upon Edward Cooper, Mayor of the city of New York, and Lucius Robinson, Governor of the State of New York, and Mr. MacLean, appointed Police Commissioner in place of said Nichols, and after hearing Mr. Townsend, of counsel for Sidney P. Nichols, the Autorney-General for the Governor of the State, and Mr. Harrison for the Mayor of the city of New York, on motion of Townsend & Weed, attorneys for Sidney P. Nichols—

It is ordered that the Clerk of this court issue a writ of certicard directed to Edward Cooper, Mayor of the city of New York, and returnable before a special term of this court, at the Court House in the city of New York, and returnable before a special term of this court, at the Court House in the city of New York, and returnable before a special term of this court, at the Court House in the city of New York, on the first Monday of September next.

State of New York, city and county of Albany. Nichols for a writ of certiorari to review his

House in the city of New York, on the first Monday of Sevtember next.

State of New York, city and county of Albany, Clerk's effect, set. I, John Larkin, Clerk of the Suprema and County Courts, being courts of record held therein, do hereby certify that I have compared the annexed copy order with the original thereof, filed in this office on the 12th day of August, 1879, and that the same is a corpect transcript thereform and of the whole of said original.

thereof, flied in this office on the 12th day of August, 1879, and that the same is a correct transcript therefrom and of the whole of said original.

Albany In testimeny whereof I have here-County unto set my hand and fixed my Seal. Afficial seal, this 12th day of August, July, 1879.

Ist'l July, 1879.

Weit of certicravi to Elevard Cooper, Mayor of New York, on the petition of Schwey P. Nichols: On the application of Townsend & Weed, attorneys for Sidney P. Nichols, and his affidavit dated the 23t day of June, 1879. I allow the within writ to issea.

T. R. Westmanox, Justice Supreme Court, Whereas, We have been informed in our Supreme Court, in and for the Third Judicial Department, by the petition on eath of Scincy P. Nichols, that certain praceedings were had before you, Edward Cooper, as Mayor of the city of New York, whereby you claimed to have the right to, and thereafter, and on or about the 7th day of April, 1879, did, so far as in you lay, remove the said Sidney P. Nichols from the office of Police Commissioner of the Police Department of the city of New York, where he was then legally entitled to hold, and that diverse crors have been committed through such action, to the precude of said Sidney P. Nichols, and being willing for certain causes to be certified of the ladgment, actions, proceedings, and all affidavits, petitions, orders, notices, documents, and writings in the proceedings in relation therefore command you, Edward Cooper, Mayor of the city of New York, that you certify and send to our Suprema Court, at a special term thereof, to be held at the Court House, in the city of New York, on the 1st day of September, 1879, at the opening of the court on that day, all and singular the act, acts and proceedings had before you, and all affidavits, orders, no ties, documents, and writings used in any such proceedings before you, and the record in any such proceedings before you, and the record the Police Commissioner of the Police Department of the city of New York, and the record thereof, or any re

manner relating thereto, with this writ, that we may thereupon enuse to be done in the premises what shall be right and according to law.

Albany Wincess the Hon. T. R. West-County Seal.

Seal. Court, at the Court House in the July, city of Albany, this 12th day of 1847.

The Mayor seat the marges to Corrections. 1847. August 1879. John Laukin, Clerk.

The Mayor sent the papers to Corporation Counsel Whitney. Mr. Whitney has not yet determined what course will be pursued. It is probable that an appeal will be made to the General Term of the Supreme Court from the order that directed the issue of the writ of certiorari. Should no appeal be taken, the argument on the writ will be made in this city on the 1st of September before the Special Term of the Supreme Court.

The argument on the motion to make permanent the writ of prohibition in Police Commissioner Wheeler's case will be made before Justice Van Brust to-day.

TROUBLE ON A CANADIAN RAILROAD. Discharged Employees Befying the Govern-ment-No Trains Allowed to Run.

QUEBEC, Aug. 13 .- The transfer to the Government of the Grand Trunk Railway, between Point Levis and River Du Loup, has been com-pleted, and the Government was to begin run-ning trains over the road this morning, but so far no train has been allowed to leave Point Levis. It is said matters look rather threatening at present. It seems that the Government has not engaged any of the old train hands em-ployed by the Grand Trunk Railway Company. and these men, some 150 in number, have re-fused to allow any trains to run until they are reinstated. The men claim that when the arrangement was made with the Government, Mr. Hickson stipuinted that all employees on the road shound be retained. But the Government evidently had no such understanding, and men have been brought from lower provinces to work the road throughout. The Hon. Mr. Mackenzie Bowell and his family were an a train, and he had an interview with some of the men, counselling them to avoid extreme action, as they would thereby force the Government to put forth the whole power of the country to enforce their authority, but his remarks seemed to have no effect on the men. The Grand Trunk authorities offered to take the train out with one of their engines, but the offer was refused by Mr. Schreiber, who is determined to carry out his plan. A requisition has been made for a police force from Quebec, and Mr. Bowell has come over here to consult with Lieut. Gov. Roaitaille. The feeling in favor of the men is very strong among the working classes of this city and Levis, and the ordinary police force will be unable to overnwe the strikers. If the Government decides to support the railway authorities, a military force will be required. reinstated. The men claim that when the ar-

THE LATE MR. A. T. STEWART.

The Absurd and Contradictory Reports About the Grave Robbery.

Several ridiculous and contradictory stoies have recently been printed concerning the finding of the remains of the late A. T. Stewart In one account it was positively said that the body had been found and was in the crypt in the Stewart Memorial Cathedral in Garden

the Stewart Memorial Cathedral in Garden City. The other story as positively asserted that the body had not been discovered, and that recently an offer of the remains had been made to Judge Hilton in consideration of the payment of \$250,000.

The facts concerning the body of Mr. Stewart were published in The Sun of Jan. 16, 1879. Then it was said that Mrs. A. T. Stewart had said to at least two persons that the body of her husband had been recovered, and delivered to Judge Hilton, and by him placed in a secure vauit, well guarded, to remain until the completion of the crypt in Garden City.

Since the publication of these facts in The Sun there have been no jurther developments of a trustworthy kind in the case.

On Tuesday afternoon, as Mrs. Tompkins of Orange was driving in the main street with her two little children, her horse became trightened by the breaking children, ber horse became frightened by the breaking of the harness and ran at terrific speed for several blocks. As it reached the corner of Waimit street the carriage wheel struck the curbstone and dashed Mrs. Tompkins violently to the ground. In falling her foot caught in the relins, and she was dragged along the street for haif a florist, which is reached the store of Mr. Ferdne, the florist, which is reached the store of Mr. Ferdne, the florist, which is the store of the florist with the store of the

Mysterious Murder in Maryland. BALTIMORE, Aug. 13.-On Monday night, as John Crampton, colored, who lived on the farm of Mr. Hugh Kiernan, on the road leading from Beltsville to

Bugin Riegram, on the road leading from Belisville to Bawie, in Prince George's Country, was sitting at supper with his wife and three children, with his back to the rear-door of his dwelling, two shots were fired from a double-barrel shotgun filled with large-size buckstat. The shot onterest at the base of the skull and went up-ward into the brain, killing him instentity Footstern were found leading from an ambush to trampton's house. Suspecton points to several persons, but, pending the in-quest, no trustworthy information can be obtained. A Wife Shot and Killed.

FINCASTLE, Va., Aug. 13.—James Stevens of Botetourt County, shot and instantly killed his wife on Sunday evening last. The children say that their parents were quarreling, and while thus encaged Stevens street a pistol, which his wife attempted to keep from him, and in the scuffle he shot, the ball penetrating her heart. Sevens took to the woods, and at last accounts had not been apprehended.

Cool Burgess's Domestic Trouble. TORONTO, Aug. 13.—Cool Burgess has not arved, as promised, and it is suspected he does not intend return at all. His wife a moller attributes the whole onbie to Burgess's uncovernable jealonsy.

TROY, Aug. 13.-J. P. Benson, while chasing a cat this morning, ran head foremost against a tree. His skull was fractured, and he died instantly.

MERE MENTION.

MERIE MENTION.

Fireworks will be exhibited at West Brighton Beach on Friday evening.

The annual camp meeting in Jamesport, L. L. will begin on Menday, Aug. 25, and will continue till the close of the week.

Richard Quinn, aged 24 years, of Tonnelle avenue, Jersey City, tell from a truck in Newara avenue on Monday night and died yesterday.

The Metropolitan Pleasure Club, composed of employees of the Metropolitan Elevated Builroad, will enjoy a picuic to-morrow evening in Lion Park.

The Jersey City Browns defented the Rochester has hall nine yesterday by a score of 6 to 4. At the end of the oighth inning the score was 6 to 0.

Francis Cohen, tailor, of Jamaica, L. L. has been missing for more than a week. He came to New York with considerable money for the purpose of buying goods.

Edward O'Brien, who was arrested for an alleged as second many his landing as 12 Absolute States.

considerable money for the purpose of buying goods. Edward O'Brien, who was arrested for an alleged assault upon his landlady at 12 Abination square, has been discharged, the lady having withurawn her complaint. Among the pieces of property included in a referee's sale in Tompkinsville, S. L. yesterday, was the Commodore Vanderbilt homestead, on Bay street. The buying bid was \$5,000.

sale in Tompkinsville, S. L. yesterday, was the Commodore Vanderfull homestead, on Bay street. The buying bid was \$5,000.

Mrs. Jaue Sears, 58 years old, of Crane Hill, N. J., died on Tuesday evening from the effects of Paris green taken with intent to commit suicide. Bomestic troubles are said to be the cause.

The Hole Cross Sunday school of West Porty-second street and to be the cause.

The Hole Cross Sunday school of West Porty-second street and finite and athletic exhibition at Ninety-second street and finite wenter yesterday. Five thousand persons were present.

The American Institute will hold their usual annual exhibition this year, commencing Sept. 17. Many applications have been made for space, and the General Superintendent is kept long answering impures.

The New York, Lake Eric and Western Raircond Company are building a new freight deput at the foot of thombers street, which will extend 600 feet out in the water, insking 14 163 reet longer than any pier on the North River.

One of the two projected schemes for building on Rockaway Beach hotelis that should rival those at Contey Island has been indefinitely incipent.

The wife of John Rosenberg of Finshing, L. L. stopped on a nail in the evilar of her house about a week account westerday she died of lorkjaw. She wanted to make a will, but she was dead when the lawyer who was sent for reached her house.

The Board of Mangares of the Cotton Exchemes announce that the seat of William Birthe, of Williams, Birtle A to, will be sold at auction on the 25th of August, and the projected applied pro rata to the hundarden of the inducation of the Fire.

Birnie A Co., will be sold at anchor on the 231 of Annual and the proceeds applied are rata to the housianism of the indecledness of the firm.

The remains of the late Mr. John Johnes granden of the Rev. Dr. Timothy Johnes of Revolutionary fame, who administered comminuous to Gen. Washington in the Presbyterian Church in Morristown, N. J., in the winter of 1799, were vesterfully interred in the cornetry connected with that church.

The Captain of the Steamboat Halloon, that ran from Newborsh to Abbany in 1809, was Daniel Birchcock, the present agmanuler of the Vibbard, the Abbany as boat in the forty years be has held such nositions the beats be has commanded have never met with accident nor has a passenger been injured.

Hiram M. Brooks, for many years a New York cotton broker, died at the residence of ins daughter, Mr. Hooker, and M. Granden, N. J., exterday morning, very suddenly, of fatly degeneration of the heart. Mr. Hooke was brother in the line of his death.

Clothing contaming the name. D. Camploth, was found on the river bank at West Kinhy fourth street last week. Later the mide besty of Browned man was found floating off Seventy eighth street. As bonard Compbell, superintendent of a fundered notary in Murinal, is missing, the dead body is supposed to be his.

Policeman Septers woke up as sweeping man on the Jamaica plank road in East New York, a sterday morning, who substenty seigned the policeman by the throat and gave him a fixed tassels. He is serving a tendays' sentiment this county pail for drindenness, and he will be a resided for assential after his release.

The Camin Republic of R. Cornell White's Rockaway line is now running to the Cornel Shites and Republic and Errainer town their Rockaway cauraons a large patternage since the opening of the season.

Counself of Francisco Automo, Rodriguez Sanabria, and Joan Renicio Bebriangua, the Grandians who are

excursions a targe parronage since the opening of the season.

Counsel for Francisco Automia, Redirigae Sanahria, and Joas Benixio Beberhqua, the Brazilians who are charged with torsing Brazilian Treasury notes, around reserving in the General Sessions in support of a motion to quash the indictment far longery that the Grand Jury found against them on Monday. Jinge Gildersieeve reserved his decision.

Never Say Bie.

But when you are sirk take a dose of Quirk's Irish Tea. Price 25 cents at drugglats,—Ade.

PINANCIAL AND COMMERCIAL

UNITED STATES, STATE, ASE CHIEF SOURCE AS SECTION 11 IN STATES, STATE, ASE CHIEF SOURCE AS SECTION 12 IN STATES, AS SECTI RAILEGAD AND OTHER SOUDS IN \$1,00000.

COUNTY P. & Min. 427,642 | Total sales, 270,322 shares CLOSING PRICES.

CLOSING PRICES.

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CLOSING PRICES.

Bid. 4544.

C. S. 68, 280 | 1855 | 1071 | Mor. & Essex | 125 | 123 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 124 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | 125 | CLOSING PRICES.

WEDNESDAY, Aug. 13. There was a very active and excited speculation in Lake Shore, the sales of which were nearly 113,000 shares, closing at a further de-cline. Of other stocks, the Granger roads, Del., L., and Western, Western Union Tel., Mich. Central, and St. Louis and San Francisco alone showed any degree of activity, Northwestern showed any degree of activity, Northwestern among these taking the lead. Prices were almost uniformly lower: Advanced—New York Central, %: Union Pacifie, %. Declined-Rock Island, %: Northwestern preferred, %: Northwestern common, 1%: St. Paul preferred, %: St. Paul preferred, %: St. Paul common, 1%: Lake Shore, 2%: Mich. Central, %: Western Union, 1%: K. C. and Northern, %: K. C. and Northern preferred, %: Del., I. and W. &: Chicago and Alton, 5; Del., I. and W. &: Chicago and Alton, 5; C. B. and Q. &: Eric, common, M: do, preferred, %: C. C. C. C. and Ind., 1%: Han, and St. Jo. preferred, %: and Ohio and Miss. preferred, %.

Governments were again lower, leading to a very large business in counon fours at 101. Railroad bonds stull and generally lower. There was a flurry in the money market; call loans were made at 5667 % cent, the latter rate and a commission being frequently paid.

The low prices obtained for coal at the Dela-

commission being frequently paid.

The low prices obtained for coal at the Delaware and Hudson suction sale to-day seemed to have no effect upon the price of coal stocks. Indeed, it is doubtful whether a fall of \$1 \mathbb{P}\$ ton more would shake the faith of those who believe in the good time coming, when dividends shall be resumed and the stocks go back to where they were in the spring of 1876. The Pennsylvania Coal Company issued a circular of prices subsequent to the sale at prices from 5 to 15 centa less per ton than those of its inst circular. The Lehigh Valley and Lehigh and Wilkesbarre Companies have issued no circulars as yet.

Wilkesbarre Companies have issued no circulars as yet.

In the British House of Commons, the bill enabling unlimited liability banks to become limited, and allowing banks to increase their nominal engital by increasing the nominal value of their shares, has passed through committee. It will probably become a law.

Holders of French railway shares are excited over a proposition on the part of the Government to exercise its right of buying up all the railways in the country. The price provided for in the charters of the companies is an annuity equal to the average of the profits of the best five of the seven years immediately proceding the purchase. The amount of capital and debt to be affected is about \$1.500,000,000. The outstanding Belgian 45 F cents are to se converted into 4s, holders having the option of being paid off at par. If they do not exercise his option within a certain time, it will be re-carded as an assent to the reduction. The Ba-rarian 4% \$\mathbb{P}\$ cent. railway debt, amounting to over \$200,000,000, is also to be reduced to 4 \$\mathbb{P}\$

varian 4% # cent. railway debt, amounting to over \$200.000,000, is also to be reduced to 4 # cent.

The London Daily Telegraph of this morning, in its financial article, says: Some gold was received from Paris yesterday, and bought in the open market for New York."

Mr. Shaw, United States Consul at Manchester, England, in a despatch to the Department of State, gives a gloomy account of both the agricultural and manufacturing interests of that country. The failure of the crops is much more serious than is generally supposed abroad. The demand in England for meats and grains from the United States will be enormous. Better methods of placing American butter, cheese, eggs, hams, fraits, &c., on sale in the English markets would increase their sales immensely. The trade is yet in its infancy. At present it is hampered by middlemen. Necessity will invent new expedients to extend the consumption of all kinds of American produce. Competition will sooner or later teach the farmers of England that their expenses can be greatly reduced by using improved machinery and implements. The colion trade of Lancashire continues in a depressed condition, with little encouragement for the near future. Machinery is sold at great sacrifice, and strikes have ceased. Already the calls upon charity are heavy. Last year more than 80,000 persons were supported in Manchester by the public. The conting winter will probably witness still greater destitution.

An earnest effort is being made by the State Department, both through the regular diplomatic channels and by means of special Government agents, to secure the cooperation of foreign powers in a reconsideration of the bimetallic company. The department believes that Germany is disposed to regard favorably the proposals of this Government for a further joint consideration of Mr. Evarts will result in a bi-metallic Congress in which all the leading States of Europe will participate.

Twenty-six railroads, represented on the joint Executive Committee of the trunk ligses and

result in a bi-metallic Congress in which all the leading States of Europe will participate.

Twenty-six railroads, represented on the joint Executive Committee of the trunk lines and their Western connections, have agreed to discentinue making special contracts for earthin lots or quantities of freight at tariff rates, car at less than tariff rates. Shippers will get ten days' notice of an increase in tariff, during which time all their engagements must be filled; otherwise the increased rates will be charged. All freight must be blied at full tariff rates; otherwise it will be detailed at the western termin of the trunk lines until a correction in the billing is made. No rebates or drawbacks will be allowed, except on freight on which contracts may have been made prior to June 12, 1878, and all such drawback vouchers must be approved by the Commissioner before any of the trunk lines will just them. This will put an effective step to the rebate system.

A despatch from London to Kiernan's Financial News Burean says that the Nandord understands that no official statement as to the subscriptions to the stock of the Panama Canal will be made for five or six days.

VEDNISDAY, Aug. 13.—FLOURAND MEAL—The feoremerket insterviety active and prices a out steady, though the recting is rather weak, especially on low oxtras. We proof "Four-Superfine StateMath.10; extra State, Ac. 54 20954 55; Western spring, XX and XXX, 54 20955 50; Minnesota batents, St. 2X and XXX, 54 20955 75; Minnesota batents, St. 2X and XXX, 54 20955 75; Minnesota batents, St. 2X and XXX, 54 20955 76; Minne

\$1.114; No. 2 white, \$1.00%, GS1.00; and for future delivery \$79,000 hush. Including No. 2 spring for Sentember, \$1; No. 1 white, \$1.11681.111; for August, and \$1.11. for Sentember, \$1.00.51 for August, \$1.00.51 for August, \$1.00.51 for Sentember, and \$1.11. for for Sentember, and \$1.11. for for Sentember, and \$1.00.51 for August, \$1.00.51 \$1.00 delivery escaps buch. No. 2 mixes at 48000001 for Octions, 470-475,c. for September, and 495-260,c. for Acrust.

Georgemes—Bio coffee more active and all prices stendy: carrows 115-2615;c. including fair 135-26, sales here 10,184 here, and at Ballmany 4,197 hours of the first of the sales here of 1,497 hours of the first of the sales of the

Live Stock Market. New York, Wednesday, Aug. 13.—The 3.200 fresh beef cattle on sale this morning quickly changed limits at an advance of from \$1 th head to \$10. With Native steers ranged from \$10 th head to \$10. With the \$10 to \$10. With \$10 to \$10 to \$10. With \$10 to \$10 cattle. Calves were slow at 21/2001/40, for extremes, with only 489 received. 489) received.
Sheep and lambs from and netive at former prices, with only global parts of poor to choice, sheep at \$8.37285, 60.20 (10.00 fbs., and or pior to price is sheep at \$8.37285, 60.20 (10.00 fbs., and or pior to price is binds at \$4.7525, 67.78 (10.00 fbs., and 40.00 fbs.) and 40.00 fbs., at \$6.30. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.50. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.50. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.50. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.50. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.50. Receipts to-day, (40.00 fbs.) and 40.00 fbs., at \$6.00 fbs.,

Court Calendar This Day. SUPREME COURT—CHAMBERS,—Nos. 69, 80, 199, 212, 721, 223, 225, Assessment Cases—Nos. 180, 226, 227, 238, 239, 240, 241, 242.

MARINE INTELLIGENCE.

Sun rises. 5 (25 Non sets. 7 (0) Moon rises. 1 32 and y Hook. 5 (3) (iev. Jaime). 5 (2) Hell Gate... 7 14

Arrived-Wednesday, Aug. 13. Arrived - WEDSERDAY, Aug. 13.
Se Victoria, Rait London.
Se A guers, Hawthorn, Galveston.
Se A mergup, Belore, Havre.
Se Nankes, Watson, Newport, Eng.
Se Nankes, Watson, Newport, Eng.
Aug. Perguson, Jacmel July 25, and Kingston, Ja.,
Aug.

ing. 7.
Ss Eleanors, Brazz, Portland.
Ss Eleanors, Sundberr, Havana.
Ss Saratoga, Sundberr, Havana.

So Pleanora, Brauz, Portland.
So Saratoga, Sandacer, Havana.
Se Stratoga, Sandacer, Havana.
Se Rio Grande. Pennincton, Galveston.
Se Rio Grande. Pennincton, Galveston.
Se New Bernswick, Ellis, Lewes.
Se John Glisson, Chichester, Georretown, D. C.
Se City of San Antonio, Eldridge, Jicksonville.
Se Western Texas, Hines, Chester, Pa.
Shir. New World. Hammoond, London.
Shir. Pombroke Castle, Hamilton, Calcutta.
Bark Ausella, Bargeos, Triewe.
Bark Ausella, Bargeos, Triewe.
Bark Ausella, Bergeos, Triewe.
Bark Hatoly Home, Smith, Rotterdam.
Bark Pavio, Callero, Casterlamare.
Bark Carl Augel, Christensen, Rotterdam.
Bark Fromer, Pederen, Liverpool.
Bark Electra, Heiner, Batavia.

ABRUED OCT.

Bark Fregner, Frderen, Laverpool.
Bark Electra, Heimer, Battvia.

ABRIVED OUT.

Liverpool. Ang. 13.—The British steamer Balgarian,
Capt. Trant. From Boston Ang. 3. arrived here to day.
Loxnoon. Aug. 13.—The British steamer Gresdiam, Capt.
Loxnoon. Aug. 13.—The British steamer Gresdiam, Capt.
Weightman from New York June 24. has arrived here.
The Danish steamer Frein. Capt. Johansen, from New
York July 30, has arrived at Havre.
The Hamburg-American steamer Frisin. Capt. Meyer,
from New York Jule 31, via Flymouth Aug. 19, arrived
at Hamburg-American steamer Frisin. Capt. Stevens, from
New York July 31, lass arrived at Haid.
The British strainer Somerset, Capt. Stevens, from
New York July 31, lass arrived at Bristol.
Moville, Aug. 13.—The Amehor Line steamer Anchoria,
Capt. Hudderwick, From New York Aug. 2, arrived here
to-day, on her way to Guscow. The Allan Lane steamer
Jul Greyow.

Southarron. Aug. 13.—The North-German Loyd Je.
Southarron.

Glastow.

Southampros, Aug. 13.—The North-German Lloyd's steamer Oder, Cart Leist, from New York Aug. 2, arrived here to-day, on her way to Bremen.

SALED FROM FOREIGN FOREIG

Business Hotices.

Rupture Cured by Dr. Marsh's Treatment.-The only sate and reliable cure. Forty years practical ex-perience. Only office, 2 Vesey st., opposite St. Paul's Church. No branch offices.

The Best Flastle Truss Ever Invented, Price now only \$2.50. POMERGY TRUSS CO., 740 Broadway. Fine Silk Hats, \$3.20; worth \$5. Pall erbys, \$1.30, worth \$1. 15 New Church st. up stairs.

MARRIED.

BERRYMAN-DUFF - In Philadelphia, Pa., Aug. 6, by the Rev. E. I. D. Pepper, Isane H. Berryman to Mary E., daughter of John R. Duff, Esq.
CAMPRELL-NORLE.—On the morning of the 11th inst., at the residence of the bride's parents, by the Bev. Charles Loran, Hary G. Campbell to Sarah E. Noble, dambiter of James S. Noble, all of Philadelphia.

FOY-DELANEY—On Suidhay, Aug. 10, at the Church of the Immaculante Conception, Philadelphia, by the St. Makhoney, Charles T. Foy of Philadelphia to Fisher E. Makhoney, Charles T. Foy of Philadelphia to Fisher E. Makhoney, Charles T. Foy of Philadelphia to Fisher E. Robbins.

FLETCHER.—ROBBINS.—At East Acton, Mass. July 21, by the Rev. F. F. Wood, S. Taylor Fletcher to Sarah E. Robbins. MARRIED. 21. by the Rev. P. P. Wood, S. Taylor Fletcher to Sarah F. Redshim,
HOFKINS-MOSLEY,—At Port Ewen, on the Hodson,
on Samilay, Aug. 10, by the Rev. Andrew Marius Arealaries, Alexander Our Hopkins to Annie J. Mosley, both
of New York,
LITTLE-HOLLOWELL—At Salem, Mass. July 24,
by the Rev. Nr. Israel, George H. Little to Mrs. Sarah E.
Hollowell. Hollowell.

MERRILL-SIMPSON -On Monday, Aug. 11, by the
Rev. Edward O. Flaid, D. D. John N. Merrill, M. D., to
Mirian Simpson, darighter of decores Simpson, Eso.
McKENRY-FAIMER - In Perfaind, M. E., Aag. 11, by
the Rev. Dr. Carruthers, Charles H. McKenry to Miss
Emma Palmer, bett of Buxton.

DIED. BARNARD.—At Amesbury, Mass., recently, Mrs. Dolly f. Barnard, aged 98 years, 19 months and 6 days. LEONARD.—In Philadelphia, Pa., Aug. 8, Hannah Leonard, in her 88th year.

Special Hotices. LOUISIANA STATE LOTTERY CO.

THIS INSTITUTION WAS REGULARLY INCORPO-EATED BY THE LEGISLATURE OF THE STATE FOR EDUCATIONAL AND CHARITABLE PERPOSES IN 1888, FOR THE TERM OF TWENTY FIVE YEARS, TO WHICH CONTRACT THE INVIOLABLE FAITH OF THE STATE IS PLEEDIED, WITH A CAPITAL OF SLOW,000, TO WHICH THE INVIOLE TO WHICH IT HAS SINCE ADDED A RESERVE FUND OF \$55,000 IT NEVER SCALES OF POSTPONES. ITS GRAND SINGLE NUMBER DISTRIBUTION HAS AL-WAYS TAKEN PLACE MONTHLY, AND ON THE SED-OND TUESDAY,
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1.857 PRIZES, TOTAL, \$110,400; CAPITALS, \$50,003,

\$10,000, \$5,000, &c. 100,000 TICKETS, TWO \$2: DOL-LARS; HALVES, ONE (\$1) DOLLAR: APPLY TO M. A. DAUPHIN, POST OFFICE BOX 902, NEW ORLEANS, LA.; OR SAME AT 315 BROADWAY, NEW YORK. AUTHORIZED BY THE LEGISLATURE,

SUMMER COMPLAINTS.
COLIC PAINS, CRAMPS, SICK HEADACHE, SOUR
STOMACH, DYSPETSIA, ON RHEIDEMATISM are readity carried by some
RENNESS PAIN RHALING MAGIC Git.
Replical Non-Maria RENNES PAIN KILLING MADIE GIL,
Research type have never their tils somet valuable
emedy and have any doubte about its softer all we claim
of that and get a sample bottle, free of charge, at
appel 63 Marray st.

VARIOCELE, STRICTURE, AND HEM.

Hi Gos always Bown State Ly, Act. 15. Cauchal grows
\$15,000. SULTON destributed in Liest primes. To tack \$1
cach. LUCKY 017 by 1,227 Broodway, corrier sunt at.
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P11.128.—For thirty years Dr. Uphan's Vegetable Electrony backets an neconveded a specific for this distressing computant. Sold by all transacts. Deput 30 East 4th st. Send for parameted. KENTUCKY STATE LOTTERY HAS BINESS STAWN AND 16 STAGES. Whole behels, \$1. KEPPICH A CO. PU Naisau et, and Recognis et, corner Bowers.

CHOICELA-SELFELF DESCRIPTION OF THE STAGES TOWN AND TO SELECT A COUNTY OF THE STAGES OF THE SECOND OF THE